UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,371	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24.737	5132

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EXAMINER
NGUYEN, HAI V

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/382,371	PHILYAW ET AL.
	Examiner	**Art Unit**	
	Hai V. Nguyen	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 May 2004</u>.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the communication received on 28
May 2004.

2.   Claims 1-11 are presented for examination.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for
all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

4.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable
over **Hudetz** et al. US patent no. **6,199,048 B1** in view of **Call** US patent no.
5,913,210 and further in view of **Kirsch** US patent no. **5,751,956**.

5.   As to claim 1, Hudetz, System And Method For Automatic Access Of
Remote Computer Over A Network, discloses a method for interconnecting a
user's location to a select one of a plurality of destination locations on a network
(Hudetz, Fig. 1, computer 28 to remote node 24 or 26 on communication link 50),
comprising the steps of:

receiving unique information (Hudetz, Fig. 3, the product 's UPC) at the
user's location before being connected to the network, which unique information
has no associated routing information embedded therein *(Hudetz, to access a
network resource relating to a particular product, the user swipes a bar code
reader across the product's UPC symbol, col. 3, lines 31-34; col. 11, 30-42)*;

However, Hudetz does not explicitly disclose assembling a message packet

containing the product information; transmitting the message packet to an

intermediate node on the network having associated therewith a database. Thus,

the artisan would have been motivated to look to the related internetworking art

for potential methods and systems for implementing assembling a message

packet containing the product information; transmitting the message packet to an

intermediate code on the network having associated therewith a database.

In the same field of endeavor, Call, a related Methods And Apparatus For

Disseminating Product Information Via The Internet Using Universal Product

Codes, discloses in the internetworking art the assembling a message packet

(cross-reference) containing the product information; transmitting the message

packet to an intermediate node *(Call, Fig. 1, Product Code Translator 101)* on the

network having associated therewith a database. Call discloses that in Fig. 2,

manufactures submit the cross-references which relates their assigned universal

product codes to associated internet addresses where information relating to

their products may be obtained, col. 5, line 5 –col. 7, line 6). Call also suggests

that *the Product Code Translator as an Internet Resource, storing cross-*

references between universal product codes identifying specific products, and

Internet addresses specifying the locations at which information about these

products may be obtained (Call, col. 7, line 7 – col. 8, line 8).

Accordingly, it would have been obvious to one of ordinary skill in the

networking art at the time the invention was made to have incorporated Call's

teachings of *the cross-referencing database to refer a product information inquiry*

to the server operated by the manufacturer, with the remainder of the product

code being sent to the manufacturer's server to identify the particular product

(Call, col. 1, lines 36-65) with the teachings of Hudetz, for the purpose of

providing accurate and up-to-date information about ant product of interest made

available in this way by a participating manufacturer (Call, col. 1, lines 52-65).

Hudetz also suggests that *with the invention, a new address assignment requires*

only that the database of addresses be updated. Products, packaging,

advertisements and the like bearing standard identification codes need not be

redesigned (Hudetz, col. 4, lines 19-31).

However, Hudetz-Call does not explicitly disclose receiving from the intermediate

node on the network instructional code that was generated at the intermediate

location as a result of the transmission of the message packet thereto that

includes routing information that instructs the user location to connect to one of

the plurality of destination locations on the network that has defined association

with the unique information defined in a database at the intermediate location on

the network. Thus, the artisan would have been motivated to look to the related

internetworking art for potential methods and systems for implementing receiving

from the intermediate node on the network instructional code that was generated

at the intermediate location as a result of the transmission of the message packet

thereto that includes routing information that instructs the user location to

connect to one of the plurality of destination locations on the network that has

defined association with the unique information defined in a database at the

intermediate location on the network.

In the same field of endeavor, Kirsch, related Method And Apparatus For

Redirection of Server External Hyper-Link References, discloses in the

internetworking art the redirection response message, discloses that *"On receipt*

by the first Web Server system of the predetermined URL reference from the

client system, the predetermined redirection and accounting data is decoded

from the predetermined URL and processed by the Web server system to

provide the client system with the redirection message including the reference to

the second server system (Kirsch, col. Abstract, col. 5, lines 24-40. Kirsch also

discloses that *"the URL data is processed 70 and, in combination with the HTTP*

protocol-provided data identifying the client computer 12. a database record is

created or updated in the persistent storage device 32 at 72. The second URL is

then extracted 74 and a redirection message, especially a type 302 temporary

redirection message, is prepared. The location field created as part of the

redirection message is provided with the target redirection server URL. The

redirection message is then issued 58 to the originally requesting client computer

12 (Kirsch, col. 10, line59 – col. 11, line 4).

Accordingly, it would have been obvious to one of ordinary skill in the

networking art at the time the invention was made to have incorporated Hudetz-

Call's teachings of product identification codes and cross-references with location

information of the product with the teachings of Kirsch, for the purpose of

imposing minimum visibility of the redirection protocol on client users (Kirsch, col.

5, lines 41-65). Kirsch also suggests that *minimizing exposure to additional*

security breaches due to the closed forth of the protocol while providing

substantial security against inappropriate URL and protocol references (Kirsch, col. 5, line 66 – col. 6, line 5). Call also suggests that *providing automating the conversion of information stored in a manufacturer's existing product database into the form of static or dynamically generated HTML pages which can be transmitted to fulfill information requests routed to the manufacturer by the cross-referencing facility (Call, col. 13, lines 6-22).*

Hudetz-Call-Kirsch discloses, interconnecting, in response to the step of receiving from the intermediate location *(Call, Fig. 1, item 101; Kirsch, Web server system)* on the network instructional code and without any intervention at the user location, the user's location to the one of the plurality of destination locations *(Call, product manufacturers sites or locations; Kirsch, second server system)* across the network in accordance with the network routing information and accordance with the received instructional code such that connection to the one of the plurality of destination locations is controlled by the intermediate location *(Call, Fig. 1, item 101, col. 7, line 31 – col. 8, line 8; Kirsch, col. 7, line 8 – col. 8, line 19; col. 12, lines 36-54).*

6.   As to claim 2, Hudetz-Call-Kirsch discloses the network comprises a global communication network *(Hudetz, Internet, Fig. 1, internet 20; Kirsch, Fig. 1, item 14).*

7.   As to claim 3, Hudetz-Call-Kirsch discloses the step of receiving the unique information comprises receiving machine-readable code having unique information embedded therein *(Hudetz, Abstract, Figs. 1, 2, item 46; Call, Abstract, col. 7, lines 3-38).*

8.   As to claim 4, Hudetz-Call-Kirsch discloses the step of receiving the machine readable code comprises scanning the machine readable code, decoding the machine readable code and outputting the information encoded within the machine readable code *(Hudetz, Abstract, col. 6, lines 59-67; col. 12, lines 1-23).*

9.   As to claim 5, Hudetz-Call-Kirsch discloses, wherein the machine-readable code comprises a product code, which product code is fixedly associated with an associated product *(Hudetz, Figs. 1-3, item 46; col. 6, lines 59-67).*

10.   As to claim 6, Hudetz-Call discloses, wherein the product code comprises a barcode *(Hudetz, Figs. 1-3, item 46; Call, col. 5, lines 20-56).*

11.   As to claim 7, Hudetz-Call-Kirsch discloses, wherein the product code comprises an ISBN number associated with printed materials *(Hudetz, col. 10, lines 1-3; Call, col. 5, lines 20-56).*

12.   As to claim 8, Hudetz-Call-Kirsch discloses, wherein the product code comprises an EAN barcode *(Hudetz, col. 10, lines 1-3; Call, col. 5, lines 20-56).*

13.   As to claim 9, Hudetz-Call-Kirsch discloses, further comprising the step of receiving from the one of the plurality of destination locations at the user location display information generated by the one of the plurality of destination locations which is displayed to the user at the user location *(Hudetz, col. 9, lines 5-20; Call, Fig. 2).*

14.   As to claim 10, Hudetz-Call-Kirsch discloses the step of receiving from the intermediate location on the network instructional code comprises:

comparing the received unique information at the intermediate location

with a database of routing information, which database of routing information

includes a plurality of associative relationships between predetermined unique

information and locations of various ones of the plurality of destination locations

on the network (Hudetz, Fig. 4; Call, Fig. 2; Kirsch, col. 10, line 59 – col. 11, line

4); and

if an association between the received unique information and routing

information on any of a plurality of destination locations on the network exists

within the database, returning the associated routing information as part of

instructional code back to the user location for effecting a network connection to

the one of the plurality of destination locations indicated by the routing

information (Hudetz, Fig. 5, boxes 88, 90; col. 9, lines 55-65; Call. Fig. 2; Kirsch,

col. 10, line 59 – col. 11, line 4).

15.   As to claim 11, Hudetz-Call-Kirsch discloses, wherein the steps of

returning and interconnecting include the step of activating a web browser

program which facilitates the interconnection over the network in response to

receiving the instructional code including the unique information, which web

browser program is operable to at least provide the interconnection of the user

location to the destination location in accordance with the associated routing

information under control of the intermediate location (Hudetz, col. 10, lines 58-

67; col. 11, lines 1-23; Kirsch, col. 7, line 8 – col. 8, line 19).

Response to Arguments

16.   Applicant's arguments received on 28 May 2004 have been fully

considered but they are not deemed to be persuasive.

17.   In the remark, Applicants argued in substance that:

Point (A),   There is no motivation to combine such references.

As to point (A), In response to applicant's argument that there is no

suggestion to combine the references, the examiner recognizes that obviousness

can only be established by combining or modifying the teachings of the prior art

to produce the claimed invention where there is some teaching, suggestion, or

motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837

F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21

USPQ2d 1941 (Fed. Cir. 1992).

In this case, "Accordingly, it would have been obvious to one of ordinary

skill in the networking art at the time the invention was made to have

incorporated Call's teachings of *the cross-referencing database to refer a product*

information inquiry to the server operated by the manufacturer, with the

remainder of the product code being sent to the manufacturer's server to identify

the particular product (Call, col. 1, lines 36-65) with the teachings of Hudetz, for

the purpose of *providing accurate and up-to-date information about ant product*

of interest made available in this way by a participating manufacturer (Call, col. 1,

lines 52-65). Hudetz also suggests that *with the invention, a new address*

assignment requires only that the database of addresses be updated. Products,

packaging, advertisements and the like bearing standard identification codes

need not be redesigned (Hudetz, col. 4, lines 19-31)". And "Accordingly, it would

have been obvious to one of ordinary skill in the networking art at the time the

invention was made to have incorporated Hudetz-Call's teachings of product

identification codes and cross-references with location information of the product

with the teachings of Kirsch, for the purpose of *imposing minimum visibility of the*

redirection protocol on client users (Kirsch, col. 5, lines 41-65). Kirsch also

suggests that *minimizing exposure to additional security breaches due to the*

closed forth of the protocol while providing substantial security against

inappropriate URL and protocol references (Kirsch, col. 5, line 66 – col. 6, line 5).

Call also suggests that *providing automating the conversion of information stored*

in a manufacturer's existing product database into the form of static or

dynamically generated HTML pages which can be transmitted to fulfill information

requests routed to the manufacturer by the cross-referencing facility (Call, col.

13, lines 6-22)."

       Point (B),   The prior art is not analogous art.

       As to point (B), In response to applicant's argument that Kirsch reference

is nonanalogous art, it has been held that a prior art reference must either be in

the field of applicant's endeavor or, if not, then be reasonably pertinent to the

particular problem with which the applicant was concerned, in order to be relied

upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977

F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, Kirsch discloses that *"On receipt by the first web server system of the predetermined URL reference from the client system, the predetermined redirection and accounting data is decoded from the predetermined URL and processed by the Web server system to provide the client system with a redirection message including the reference to the second server system (Kirsch, col. 5, lines 30-41; col. 10, line 59 – col. 11, line 4).* Thus, it would have been obvious to one of ordinary skill in the networking art to conclude that as far as the functionality of the limitation of redirection of user computer to another web sites or locations, Kirsch reference is analogous art and appropriate to be applied to redirect or to reroute or to connect automatically the users to another web sites or locations.

Conclusion

18.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Hai V. Nguyen whose telephone number is

703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax

phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

JACK B. HARVEY

SUPERVISORY PATENT EXAMINER

Hai V. Nguyen
Examiner
Art Unit 2142